

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

ZENON MONTALVO,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION NO.
	)	3:12CV0687
	)	
BERKLEY RISK ADMINISTRATORS	)	JUDGE HAYNES
COMPANY, LLC, BERKLEY REGIONAL	)	
INSURANCE COMPANY, and	)	
JULIE MIX MCPEAK, Commissioner of the	)	
Tennessee Department of Commerce and Insurance,	)	
in her Official Capacity,	)	
	)	
Defendants.	)	

**ORDER**

This case came before the Court on October 1, 2012 for the initial Case Management Conference. The Court declines to enter the submitted Case Management Order at this time. The Court orders the following schedule for the briefing of motions and other matters:


1. Defendant Julie Mix McPeak shall have until October 8, 2012 to file any reply brief in support of the pending Motion to Dismiss.
2. The Berkley defendants shall have until October 15, 2012 to file any motion to dismiss. Plaintiff shall have until October 22, 2012 to file a response to any motion to dismiss. The Berkley defendants shall have until October 29, 2012 to file any reply brief.
3. The Attorney General shall make its election as to whether it intends to intervene in this action to defend the constitutionality of the Tennessee statutes raised by Plaintiff's

Amended Complaint by October 11, 2012 and shall file any notice with the Court on or before that date.

4. Should the Attorney General elect to intervene, the Attorney General shall have until October 25, 2012 to file any motion addressing the legal issues in the case, including those raised by the Commissioner's motion and any defense of the constitutionality of the challenged Tennessee statutes.
5. Plaintiffs shall have until November 5, 2012 to file a response brief to any motion by the Attorney General.
6. The parties all agree that no discovery is necessary to resolve the issues to be raised by the motions addressed above.

It is so **ORDERED**.

**ENTERED** this the 5<sup>th</sup> day of October, 2012.

  
WILLIAM J. HAYNES, JR.  
United States District Judge

Submitted by:

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